

AK

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,775	SUN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerry T Rahll	2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Preliminary Amendment received 09 August 2004.
2. ☒ The allowed claim(s) is/are 21-28.
3. ☒ The drawings filed on 31 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

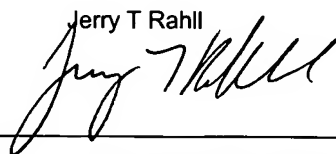
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
**AKM ENAYET ULLAH**  
**PRIMARY EXAMINER**

Jerry T Rahll  


### **ELECTION/RESTRICTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 9-20, drawn to a ribbonizing apparatus, classified in class 385, subclass 147.
  - II. Claims 21-30, drawn to a method of connecting fibers, classified in class 385, subclass 114.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice, respectively. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced either by hand or by another apparatus that does not include a frame with ribbonizing plates.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Romi N. Bose on December 7, 2004 a provisional election was made without traverse to prosecute the invention of Invention II, claims 21-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### **EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. Authorization for this examiner's amendment was given in a telephone interview with Romi N. Bose on December 7, 2004.

8. The application has been amended as follows: Claims 9-20 are cancelled.

#### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

9. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Drawings***

10. The drawings submitted 31 March 2004 have been reviewed and determined to facilitate understanding of the invention. The drawings are accepted as submitted.

***Allowable Subject Matter***

11. Claims 21-30 are allowed. Claims 21-30 describe a method of cross-connecting the individual optical fibers of a plurality of fiber optic ribbons, comprising the steps of providing a first substrate having an adhesive thereon; routing a plurality of individual optical fibers onto the substrate to form at least portions of a plurality of first fiber optic ribbons, reorganizing the fibers on the substrate and forming at least portions of a second plurality of second fiber optic ribbons, the fibers extending beyond the substrate to define first tails and second tails of the first ribbons and second ribbons, respectively; providing a second substrate having an adhesive thereon; routing a plurality of individual optical fibers onto the second substrate to form at least portions of a plurality of first fiber optic ribbons, reorganizing the fibers on the second substrate and forming at least portions of a plurality of second fiber optic ribbons, the fibers extending beyond the second substrate to define first tails and second tails of the first ribbons and second ribbons, respectively; coating the gathered input and output tails to hold the tails in ribbon form and stripping the coated tails.

12. U.S. Patent No. 5,020,871 to Nishimura describes a method of cross-connecting the individual optical fibers of a plurality of fiber optic ribbons, comprising the steps of providing a first substrate having an adhesive thereon; routing a plurality of individual optical fibers onto the substrate to form at least portions of a plurality of first fiber optic ribbons, reorganizing the fibers on the substrate and forming at least portions of a second plurality of second fiber optic ribbons,

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the fibers extending beyond the substrate to define first tails and second tails of the first ribbons and second ribbons, respectively; providing a second substrate having an adhesive thereon; routing a plurality of individual optical fibers onto the second substrate to form at least portions of a plurality of first fiber optic ribbons and reorganizing the fibers on the second substrate and forming at least portions of a plurality of second fiber optic ribbons, the fibers extending beyond the second substrate to define first tails and second tails of the first ribbons and second ribbons, respectively. Nishimura does not describe the use of a ribbonizing apparatus to gather and coat the fibers to form a ribbon. Further, Nishimura does not describe the optical fibers routed onto the substrates by a mechanical routing apparatus, as described by Claims 21 and 25-28. Further, Nishimura does not describe the application of a coating over the fibers on the first and second substrates, as described by Claims 23-28.

13. U.S. Patent No. 5,020,871 to Nishimura remains the closest prior art of record in this application. For the reasons stated above, however, Claims 21-30 herein are deemed to patentably distinguish over Nishimura and all other prior art of record.

### ***Conclusion***

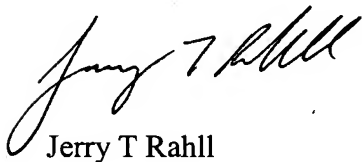
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents Nos. 6,587,845 to Sun et al., 6,585,524 to Robinson et al., 6,549,710 to Simmons et al. and 6,351,590 to Shahid describe methods and devices for rearranging optical fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jerry T Rahll



**AKM ENAYET ULLAH**  
PRIMARY EXAMINER